



Docket No.: 219204US6



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/067,310
Applicants: Katsushi FUJII, et al.
Filing Date: February 7, 2002
For: INFORMATION PROCESSING APPARATUS,
INFORMATION PROCESSING METHOD,
RECORDING MEDIUM, AND PROGRAM
Group Art Unit: 2179
Examiner: Ba Huynh

SIR:

Attached hereto for filing are the following papers:

**Notice of Appeal,
Pre-Appeal Brief Request for Review, and
Remarks Accompanying Pre-Appeal Brief Request for Review.**

Our credit card payment form in the amount of \$500.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO.: 219204US-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2179

Katsushi FUJII et al.

SERIAL NO: 10/067,310

EXAMINER: Ba Huynh

FILED: February 7, 2002

FOR: INFORMATION PROCESSING
APPARATUS, INFORMATION
PROCESSING METHOD,
RECORDING MEDIUM,
AND PROGRAM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application.
No amendments are being filed with this request.

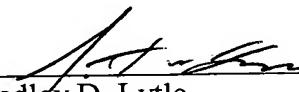
This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets. No more than
five (5) pages are provided.

I am the attorney or agent of record or acting under 37 C.F.R. § 1.34.

Respectfully Submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KATSUSHI FUJII, ET AL. : EXAMINER: BA HUYNH
SERIAL NO: 10/067,310 :
FILED: FEBRUARY 7, 2002 : GROUP ART UNIT: 2179
FOR: INFORMATION PROCESSING :
APPARATUS, INFORMATION
PROCESSING METHOD, RECORDING
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REMARKS ACCOMPANYING
PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that a Pre-Appeal Brief Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

FAILURE TO PRESENT A *PRIMA FACIE* CASE OF OBVIOUSNESS

Applicants submit that the Official Actions of November 2, 2004 and April 27, 2005 have failed to provide a *prima facie* case of obviousness with respect to Claims 1-4 under 35 U.S.C. § 103.¹

Pending Claims 1-4 stand rejected under 35 U.S.C. § 103 in view of Dworkin. As outlined in detail in the response, filed May 31, 2005, this rejection is deficient in that it does not provide any discussion relative to an entire element of the Applicants' claims.

¹ See Official Action of April 27, 2005 detailing the rejection of Claims 1-4 under 35 U.S.C. § 103 based on Dworkin (U.S. Patent Publication No. 2002/0071,540).

Applicants' Claim 1 recites, *inter alia*, an information processing apparatus, including:

... a supply unit configured to supply the whole or a part of the contents of chatting performed in the chat space to the first terminal.

As discussed in detail in the response filed May 31, 2005, nowhere in the Official Actions of November 2, 2004 or April 27, 2005 is there a discussion of the cited reference relative to the above claim language. In response to this assertion, the Advisory Action provided the following explanation:

In response to the argument that the final office action is premature because the rejection failed to address all claim limitations, the argument is not deemed persuasive. All claim limitations were fully addressed in both first and final office actions. See final office action page 2, in the rejection of claims 1-4, wherein the amended limitation "supply unit configured to supply content of chatting" is disclosed by Dworkin in the cited paragraphs 0002-0008, 0015-0019, but not limited thereto.²

As can be seen from the plain text of page 2 of the final Office Action of April 27, 2005, the assertion made in the Advisory Action is clearly misguided. Simply stated, the cited portion of Dworkin was applied to the preamble of the Applicants' claims. Nowhere is there a discussion of a supply unit configured to supply the whole, or part, of the contents of chatting performed in the chat space to the first terminal, as recited in Claim 1. Likewise, the Official Action of November 2, 2004 is deficient in the same manner. Yet, it is well settled that all claim limitations must be taught or suggested (*See In Re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974)).

Further, it is helpful to note that the preamble of Claim 1 establishes only that the invention relates to the provision of a chat space. Conversely, as chat space is made available based on reservations, the present invention further recites providing a supply unit, which supplies the whole, or part, of the contents of chatting performed in the chat space to the first terminal. In other words, the entirety of all conversations performed during a

² See Advisory Action of June 9, 2005, paragraph 11.

streaming broadcast may be delivered to a single user. One application of providing such a transcript would be a mechanism to inform users who are unable to participate in the presentation of the contents of that discussion. Applicants note that even if the Official Action had properly identified the supply unit claim element in relation to Dworkin, Dworkin does not disclose or suggest such a feature.

CONCLUSION

Based on this clear legal deficiency in the above-noted rejection, Applicants respectfully request that prosecution be re-opened as the current grounds of rejection have not been clearly development to such an extent that the Applicants can readily judge the Examiner's position or the advisability of preparing a traditional Appeal Brief.

Respectfully submitted,

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